

Amendment  
Serial No. 10/756,418  
Attorney Docket No. 021547A

### **REMARKS**

Claims 1-17 are pending in the present application. Claims 1-8 and 12-17 are rejected.  
Claims 1-8 and 12-17 are herein cancelled without prejudice.

### **Applicants' Response to Claim Rejections under 35 U.S.C. §103**

Claims 1-5, 12-14 and 17 were rejected under 35 USC 103(a) as being unpatentable over Ladyjensky (U.S. Patent No. 5,370,828) in view of Nowak et al. (U.S. Patent No. 5,580,893) and Holland (U.S. Patent No. 5,390,086).

Claims 6, 7, 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ladyjensky in view of Nowak et al. and Holland and in further view of Noel (U.S. Patent No. 6,021,595).

It is the position of the Office Action that Ladyjensky discloses the invention as claimed, with the exception of an ampoule movably contained in a flexible container. The Office Action relies on Nowak and Holland to provide this teaching.

In response, Applicants herein cancel without prejudice claims 1-8 and 12-17. Therefore, this rejection is moot.

### **Allowable Subject Matter**

The Office Action indicates that claims 9-11 are allowed, since our previous arguments with respect to claims 9-11 were considered persuasive. Accordingly, Applicants respectfully request that claims 9-11 pass on to issue.

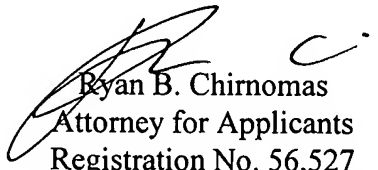
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For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
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